

## LEND-LEASE: AID TO U.S. ARMED FORCES <sup>1</sup>

*Exchanges of notes at Washington April 30, 1945, supplementing  
agreement of July 8, 1942*

*Entered into force April 30, 1945; operative from July 8, 1942*

59 Stat. 1635; Executive Agreement Series 480

*The Netherlands Minister to the Acting Secretary of State*

WASHINGTON, April 30th, 1945

SIR,

In the United Nations declaration of January 1, 1942,<sup>2</sup> the contracting governments pledged themselves to employ their full resources, military and economic, against those nations with which they are at war; and in the Agreement of July 8, 1942<sup>3</sup> between the Government of the United States and the Government of the Kingdom of the Netherlands on the Principles Applying to Mutual Aid in the Prosecution of the War Against Aggression each contracting government undertook to provide the other with such articles, services, facilities or information useful in the prosecution of their common war undertaking as it might be in a position to supply. It is the understanding of the Government of the Kingdom of the Netherlands that the general principle to be followed in providing mutual aid as set forth in the said Agreement of July 8, 1942 is that the war production and the war resources of both nations should be used by each in ways which most effectively utilize the available materials, manpower, production facilities and shipping space.

With a view, therefore, to supplementing the Agreement of July 8, 1942, I have the honor to set forth below the understanding of the Government of the Kingdom of the Netherlands of the principles and procedures applicable to the provision of aid by the Government of the Kingdom of the Netherlands to the armed forces of the United States and in the manner in which such aid will be correlated with the maintenance of such forces by the United States Government.

<sup>1</sup> See also lend-lease settlement agreements of May 28, 1947 (TIAS 1750, *post*, p. 188), and June 1 and 8, 1950 (1 UST 638; TIAS 2119).

<sup>2</sup> EAS 236, *ante*, vol. 3, p. 697.

<sup>3</sup> EAS 259, *ante*, p. 142.

1. The Government of the Kingdom of the Netherlands, retaining the right of final decision in each case in the light of its own potentialities and responsibilities, will provide the United States or its armed forces with the following types of assistance as reciprocal aid when and to the extent that it is found that they can most effectively be procured in the territory of the Kingdom of the Netherlands:

- (a) Military equipment, munitions and military and naval stores;
- (b) Other supplies, materials, facilities, services and information for the United States forces including payment of those civil claims against the United States and its armed forces, employees and officers that shall be mutually agreed upon by the two Governments as a proper charge against the Government of the Kingdom of the Netherlands, but not including the pay and allowances of United States forces, the wages and salaries of civilian officials of the United States Government and the administrative expenses of United States missions;
- (c) Supplies, materials, facilities, services and information needed in the construction of military projects, tasks and similar capital works required for the common war effort in the territory of the Kingdom of the Netherlands, except for the wages and salaries of United States citizens;
- (d) Supplies, materials, facilities, services and information needed in the construction of such military projects, tasks and capital works in territory other than territory of the Kingdom of the Netherlands or territory of the United States to the extent that territory of the Kingdom of the Netherlands is a more practicable source of supply than the United States or another of the United Nations;
- (e) Such other supplies, materials, facilities, services and information as may be agreed upon as necessary in the prosecution of the war.

2. The practical application of the principles formulated in this note, including the procedure by which requests for aid are made and acted upon, shall be worked out as occasion may require by agreement between the two governments, acting when possible through their appropriate military or civilian administrative authorities. Requests by the United States Government for such aid will be presented by duly authorized authorities of the United States to official agencies of the Government of the Netherlands which will be designated or established by the Government of the Kingdom of the Netherlands for the purpose of facilitating the provision of reciprocal aid.

3. It is the understanding of the Government of the Kingdom of the Netherlands that all such aid, as well as other aid, including information received under Article VI of the Agreement of July 8, 1942, accepted by the President of the United States or his authorized representatives from the Government of the Kingdom of the Netherlands will be received as a benefit to the United States under the Act of March 11, 1941.<sup>4</sup> In so far

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<sup>4</sup> 55 Stat. 31.

as circumstances will permit, appropriate record of aid received under this arrangement will be kept by each Government.

4. In order to facilitate the procurement in the territory of the Kingdom of the Netherlands of supplies, materials, facilities, information and services described in Section 1, by permitting their direct purchase rather than their procurement by the methods contemplated in Section 2, during the period of military operations and until such time as the official agencies of the Government of the Kingdom of the Netherlands are able to provide such reciprocal aid in the manner contemplated in Section 2, the Government of the Kingdom of the Netherlands agrees to make available to designated officers of the United States Government such Netherlands currency or credits as may be needed for the purpose. The necessary arrangements will be made by the appropriate authorities of the two governments.

If the Government of the United States concurs in the foregoing, I would suggest that the present note and your reply to that effect be regarded as placing on record the understanding of our two Governments in this matter and as superseding the exchange of notes of June 14, 1943,<sup>5</sup> on this subject, and that for clarity and convenience of administration the present note and your reply be made retroactive to July 8, 1942, the date of the Agreement of the two Governments on the principles applying to mutual aid.

I avail myself of this opportunity to renew to Your Excellency the assurances of my highest consideration.

W. v. BOETZELAER

The Honorable,

Mr. JOSEPH C. GREW,  
*Acting Secretary of State,*  
*Washington, D.C.*

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*The Acting Secretary of State to the Netherlands Minister*

DEPARTMENT OF STATE

WASHINGTON

*April 30, 1945*

SIR:

I have the honor to acknowledge the receipt of your note of today's date concerning the principles and procedures applicable to the provision of aid by the Government of the Kingdom of the Netherlands to the United States of America or its forces.

In reply I wish to inform you that the Government of the United States agrees with the understanding of the Government of the Kingdom of the

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<sup>5</sup> EAS 326, *ante*, p. 154.

Netherlands as expressed in that note. It is also agreed that the exchange of notes of June 14, 1943 on this subject is hereby superseded by your present note and this reply, both of which in accordance with the suggestion contained in your present note, will be regarded as placing on record the understanding between our two Governments in this matter.

This further integration and strengthening of our common war effort gives me great satisfaction.

Accept, Sir, the renewed assurances of my highest consideration.

JOSEPH C. GREW  
*Acting Secretary*

The Honorable

Baron W. VAN BOETZELAER,  
*Minister of the Netherlands.*

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*The Acting Secretary of State to the Netherlands Minister*

DEPARTMENT OF STATE  
WASHINGTON  
*April 30, 1945*

MY DEAR MR. MINISTER:

By the Agreement under Section 3 (c) of the Lend-Lease Act signed today <sup>6</sup> between the Government of the United States of America and the Government of the Kingdom of the Netherlands, the Government of the United States has undertaken, on the terms and subject to the conditions therein stated, to make aid available under the Lend-Lease Act to the Kingdom of the Netherlands. By the Reciprocal Aid Agreement also entered into today <sup>7</sup> between our two Governments, your Government has undertaken to render reciprocal aid from the territory of the Kingdom of the Netherlands, including the Netherlands East Indies. It is the understanding of both Governments that this reciprocal aid will include mutually agreed upon quantities of raw materials from the Netherlands East Indies for the use of the United States military or naval forces or for war production in the United States.

The articles and services now specifically covered by the Agreement under Section 3(c) of the Lend-Lease Act are those listed in the Schedule annexed to the Agreement. These are for Metropolitan Netherlands only. Article IV of the Agreement, however, provides that changes may be made in that Schedule by mutual agreement between the two Governments, and my Government is prepared in the light of the military situation and its developments to consider changes under that Article with a view to providing essen-

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<sup>6</sup> EAS 480, *ante*, p. 158.

<sup>7</sup> EAS 480, *ante*, p. 167.

tial supplies, of the general type of those listed in the Schedule, necessary for the prosecution of the combined war effort in the Pacific. Any articles and services agreed upon between our two Governments as aid to be so furnished for the Netherlands East Indies under the Agreement will, when so agreed upon, become additions to the Schedule and will be transferred by the Government of the United States of America and accepted by the Government of the Kingdom of the Netherlands for the Netherlands East Indies, subject to the terms of the Agreement.

It is not the intention of this Government to provide to the Government of the Kingdom of the Netherlands under the 3(c) Agreement articles having a long production cycle and a long life.

Sincerely yours,

JOSEPH C. GREW  
*Acting Secretary*

The Honorable  
Baron W. VAN BOETZELAER,  
*Minister of the Netherlands.*

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*The Netherlands Minister to the Acting Secretary of State*

WASHINGTON  
*April 30, 1945*

MY DEAR MR. SECRETARY,

I beg to acknowledge receipt of your letter of April 30th outlining your Government's views concerning certain aspects of the agreements entered into between our two Governments on this date.

I am pleased to state that the views of your Government coincide with those held by the Government of the Kingdom of the Netherlands in respect to these matters.

Sincerely yours,

W. v. BOETZELAER  
*Minister of the Netherlands*

The Honorable  
JOSEPH C. GREW  
*Acting Secretary of State,  
Washington, D.C.*

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*The Netherlands Minister to the Acting Secretary of State*

WASHINGTON, *April 30th, 1945*

MY DEAR MR. SECRETARY:

Some questions of interpretation have arisen with respect to the language of my note to you dated April 30, 1945, setting forth the understanding of

the Government of the Kingdom of the Netherlands of the principles and procedures applicable to the provision of aid by the Government of the Kingdom of the Netherlands to the armed forces of the United States. I am, therefore, giving you the interpretation placed by my Government on those questions, and I would appreciate an expression from you whether or not you agree to these interpretations:

1. The Government of the Kingdom of the Netherlands, taking into consideration its own potentialities and responsibilities, retains the final decision as to the scope, extent and duration of its provision of aid to the armed forces of the United States.

2. As regards services and supplies procured by the armed forces of the United States either by direct requisition or by use of the funds or credits made available under the terms of Section 4 of my note, the Government of the Kingdom of the Netherlands retains the right of deciding whether or not they can be provided as reverse lend-lease.

Finally, I want to state that although the Government of the Kingdom of the Netherlands is fully prepared to give reciprocal aid up to the limits of its possibilities, the extent of reciprocal aid will necessarily depend on the economic situation of the Kingdom of the Netherlands after its liberation from enemy occupation, on the flow of imported supplies and on the development of its foreign exchange position.

Sincerely yours,

W. v. BOETZELAER  
*Minister of the Netherlands*

The Honorable

Mr. JOSEPH C. GREW,  
*Acting Secretary of State,*  
*Washington, D.C.*

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*The Acting Secretary of State to the Netherlands Minister*

DEPARTMENT OF STATE  
WASHINGTON  
*April 30, 1945*

SIR:

In reply to your letter of today's date outlining your Government's interpretation of two questions arising in respect to your note on reciprocal aid

also of today's date, I am pleased to state that your Government's interpretation is concurred in by the Government of the United States.

Sincerely yours,

JOSEPH C. GREW  
*Acting Secretary*

The Honorable  
Baron W. VAN BOETZELAER,  
*Minister of the Netherlands.*

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*The Acting Secretary of State to the Netherlands Minister*

DEPARTMENT OF STATE  
WASHINGTON  
*April 30, 1945*

MY DEAR MR. MINISTER:

You will recall that on June 14, 1943, Dean Acheson, Assistant Secretary of State, addressed a letter to the Ambassador of the Kingdom of the Netherlands with respect to the receipt by this Government as reciprocal aid of articles previously purchased abroad and imported into territories of the Kingdom of the Netherlands. In this letter Mr. Acheson stated that this Government does not expect the Government of the Kingdom of the Netherlands or the authorities in its territories to furnish such articles to American forces as reciprocal aid and that, if such articles were furnished as reciprocal aid in emergency situations, this Government would be entirely agreeable to the principle that they should be replaced from the United States as soon as possible. Mr. Acheson further stated that American forces would not request or accept as reciprocal aid any such articles, the replacement of which was regarded by the Government of the Kingdom of the Netherlands as desirable, without specific authorization in each case from the War Department.

The exigencies of war has made strict compliance with this procedure impractical, and your Government has furnished such articles to this Government and its armed forces without compliance with this procedure. The quantity and value of the articles so furnished are not yet known and it is anticipated that considerable time may be required before mutual agreement can be reached as to the exact value of the articles to be replaced under the terms of Mr. Acheson's letter.

At the time of Mr. Acheson's letter no non-military supplies were being provided by my Government to your Government as straight lend-lease. Now, however, our two Governments have concluded an agreement under Section

3(c) of the Lend-Lease Act, under which this Government will furnish non-military supplies as straight lend-lease aid to your Government to the extent provided therein.

I should therefore like to propose that the obligation in Mr. Acheson's letter to replace articles provided as reciprocal aid which have previously been purchased abroad and imported into territories of the Kingdom of the Netherlands should not apply to articles hereafter made available to this Government as reciprocal aid.

With respect to such articles transferred as reciprocal aid by the Government of the Kingdom of the Netherlands to the United States or its armed forces prior to the date of the signing of the Agreement under Section 3(c) of the Lend-Lease Act, I should like to propose that final action with respect to replacement be deferred until the final determination of the terms and conditions upon which mutual aid has been provided and received by the two Governments in accordance with the terms of the Agreement of July 8, 1942, with respect to the principles applying to mutual aid. At the time such a final determination is reached, and the full extent of the aid furnished by the United States and the reciprocal aid furnished by the Government of the Kingdom of the Netherlands becomes known, the United States will make such replacement in accordance with the principles expressed in Mr. Acheson's letter to any extent then mutually agreed upon between the two Governments as just and equitable.

Sincerely yours,

JOSEPH C. GREW  
*Acting Secretary*

The Honorable  
Baron W. VAN BOETZELAER,  
*Minister of the Netherlands.*

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*The Netherlands Minister to the Acting Secretary of State*

WASHINGTON, *April 30th, 1945*

MY DEAR MR. SECRETARY:

I have your letter of today with reference to the letter of June 14, 1943 from Dean Acheson, Assistant Secretary of State, to the Ambassador of the Kingdom of the Netherlands with respect to the receipt by your Government as reciprocal aid of articles previously purchased abroad and imported into territories of the Kingdom of the Netherlands. In your letter you make certain proposals in relation to the obligation assumed by your Government in Mr. Acheson's letter.



I have the honor to advise you that your proposals are satisfactory to my Government.

Sincerely yours,

W. v. BOETZELAER  
*Minister of the Netherlands*

The Honorable  
JOSEPH C. GREW,  
*Acting Secretary of State,*  
*Washington, D.C.*